

Scottish Child Abuse Inquiry

Response by Orkney Islands Council

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Report response

[APG]

PART A – Background

1. Characteristics

1.1 History of the Local Authority

- a) During the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.

Response

In May 1930 the reconstituted Orkney County Council became the governing body for the whole county of Orkney, administering services that were county-wide. Following the enactment of the Public Records (Scotland) Act, 1929 local government was reorganised by the abolishing of Parish Councils and the transfer of social assistance administration to County Councils. On a local level some services, social and otherwise, were delegated to two Town Councils, in Kirkwall and Stromness, and District Councils in other areas, elected under Section 25 of the new Act¹.

This arrangement continued until a further local government re-organisation in 1975, which resulted in the disbanding of Orkney County Council, Town and District Councils, and the creation of Orkney Islands Council, which continues to the present day. There was a period of overlap when both Orkney County Council and Orkney Islands Council were sitting, to allow for the re-organisation process to progress as smoothly as possible².

- b) When and how did the local authority become involved in the provision of foster care for children in Scotland?

Response

¹ **CO3/1/7A - Minutes of a Joint Meeting of Representatives of the County Council of the County of Orkney and the Town Councils of Kirkwall and Stromness, 12th November 1929:** "The Joint Committee then considered the question of how many Sub-Committees should be appointed to deal with the administration of Poor Law in the Mainland District... It was therefore resolved to recommend that the District be divided into the following [five] areas... the first three to be administered by Sub Committees of the Poor Law Committee and the fourth and fifth by Joint Committees of the respective Town Councils and District Councils."

² The first statutory meeting of Orkney Islands Council was held on 28th May 1974 and the last meeting of the County Council of Orkney was held on 25th April 1975.

The provision of foster care, or "boarding-out" as it was originally termed, came under the supervision of parochial boards with the passing of the Poor Law Amendment Act of 1845, which passed responsibility from the previous administrators, the Church of Scotland³. Relief was then administered by the local parish councils throughout Orkney. This situation remained until the passing of the Local Government (Scotland) Act 1929 and the disbanding of parish councils. At that time the provision of foster care was taken over by Orkney County Council, with local provision delegated to the Town Councils in Kirkwall and Stromness, and District Councils throughout the rest of Orkney⁴. Although the local officers were employed by the District Councils it is apparent that they dealt directly with the Inspector of Public Assistance for the County Council for all standard administrative duties.

c) How has the involvement of the local authority changed over time?

Response

What originally started as Boarding out has developed the role of the local authority through the generation of new legislation. Whilst originally the Children and Young Person (Scotland) Act 1932 allowed for the person whose care the child was placed in to hold the same rights and powers as the parent, this developed through time to rest with the local authority. In the early legislation, the local authority had duties relating to the vetting of foster placements, this then developed into the responsibilities relating to the child's best interest and welfare being met by the placement, along with far more thorough duties in relation to approving persons as suitable as foster carers.⁵

See Appendix 1 for details of how the local authority involvement progressed over time.

1.2 Funding of Foster Care - PAST

a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?

Response

³ Boarding-Out and the Scottish Poor Law, 1845-1914, by Macdonald, Helen J., The Scottish Historical Review, Vol. 75, No. 200, Part 2 (October 1996), pp. 197-220.

⁴ CO3/1/7A - Meeting of Administrative Committee of the Reconstituted County Council of the County of Orkney, 11th April 1930: "Mr. White moved that the Committee recommend that the following clause be added to the Scheme for the administration of the Poor Law: - "The County Council shall appoint a suitable person to act as Chief Inspector of Public Assistance, and as Chief Inspector of Poor for the County and to carry out such other duties as the County Council and the Public Assistance Committee may require.", which motion was seconded by provost Slater and no counter motion being made it became the finding of the Committee."

⁵ See Appendix 1 for development of responsibility through the legislation.

Foster care, or "boarding-out", as it was termed, was funded, from 1930, through the Public Assistance Committee, from County Council funds⁶, with Kirkwall Town Council funding a proportion of the salary costs of the Chief County Inspector from their funds to act on their behalf⁷. It continued to be funded in this way throughout the period of administration of the County Council and into that of Orkney Islands Council. Alterations to payments for boarded out children were submitted to the Council Finance Committee for consideration⁸. Parents were legally required to make payments towards the keep of their children when boarded out, if possible⁹.

From the records discovered relating to 1976 onwards, it is noted that foster carers I've always been paid from the local authorities own funds.

- b) To what extent, if any, did the local authority provide funding to other organisations for the purpose of provision of foster care?

Response

The local authority in Orkney, as with other local authorities in Scotland, would, on occasion, agree to pay assistance to another local authority for people requiring assistance that could prove a settlement in Orkney, through birth, marriage etc. This extended to a relatively small number of children that

⁶ CO3/1/7A - First meeting of the County Council of the County of Orkney, under the Local Government (Scotland) Act, 1929, 16th May 1930: "It was resolved to open an account with the Union bank, Kirkwall, to be known as the 'Public Assistance Account' and to be operated on by Mr. JDM. Robertson, County Inspector of Public Assistance. Mr. Duncan J. Robertson, County Treasurer, was authorised to draw cheques on the County Fund Accounts for sums required by the County Inspector of Public Assistance from time to time, and to pay the same into the Public Assistance Account."

⁷ K1/1/20 - Minute of monthly meeting of the Provost, Magistrates and Councillors of the City and Royal Burgh of Kirkwall, 19th June 1930:

"The following letter was submitted. "Kirkwall, 26th May 1930. W.J. Hedde, Esq., Town Clerk, Kirkwall. Dear Sir, The County Council at their first meeting on 16th inst. resolved to appoint John DM Robertson to be Chief County Inspector of Public Assistance, he to receive the same salary that he has at present. It is proposed that the proportion of that salary applicable to the Burgh of Kirkwall should be £180 and I should be obliged by your bringing this before your Council and obtaining their consent. Mr Robertson will also receive his former salaries of £40 for attending to the Burial Grounds and £5 as Inspector under the Children's Act.

It was further resolved to appoint Mr Gordon D. Robertson to act as Assistant to his father at a salary of £90 per annum and as Sub Inspector for Kirkwall and St. Ola Landward at a salary of £10 per annum. I shall be glad to know at your earliest convenience that your Council approves and agrees to these appointments. Yours faithfully, Duncan J. Robertson, County Clerk."

⁸ CO3/1/10 - Meeting of Orkney County Council Finance Committee, 4th May 1943: "The Committee were advised that the Public Assistance Sub-Committee of the County Council had recommended that the clothing allowance in respect of boarded out children should be increased from £5 per annum to £7/10- per annum. It was explained that there were some twelve such children and the Public Assistance Sub-Committee's recommendation was approved, the new allowance to be paid as from 16th May 1943."

⁹ CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book, 1930-1933: "Mr. Esson, St. Margaret's Hope, has informed me that you came under an obligation to contribute, at the rate of 2/6d per week, towards the maintenance of your child which is boarded with [REDACTED]. You must understand that you are legally liable for the maintenance of your child and the contribution agreed on is not excessive. I must therefore ask you to fulfil your obligation and will be glad to hear from you at the earliest possible moment.

Yours faithfully, JDM Robertson"

CO3/1/15 - Meeting of Orkney County Council Children's Committee, 3rd August 1954: "It was reported that a child whose parents were living apart had been placed in a foster home with a view to adoption, The father had agreed to this course, but the mother was unwilling

were boarded out¹⁰. Orkney County Council, in turn, charged other authorities for children boarded out in Orkney, with a settlement elsewhere, including expenses incurred for carrying out duties¹¹.

- c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?

Response

meantime to have the child adopted. The mother was working in a biscuit factory in England, and the father was in employment in Kirkwall. Neither parent had made any payment towards the keep of the child in the foster home, and it was agreed that the Clerk should communicate with the father advising him that unless payments are made prosecution will inevitably follow."

¹⁰ **CO3/1/11 - Orkney County Council Public Assistance Sub-Committee, 6th October 1942:** [REDACTED] – That the Inspector of Falkirk had intimated that he had arranged for boarding him out at an alimnt of 8/6d per week – Approved."

CO3/1/15 - Orkney County Council Children's Committee, 5th January 1954: "Children's Officer's report: Ten children in the council's care for the month ending 31st December 1953: six girls and four boys. "Other items dealt with in the report concerned a family of four children who are meantime boarded-out in two institutions in Glasgow and Kilmarnock."

¹¹ **CO6/26/2 - Public Assistance/Social Welfare Committee Letter Book 1933-1935:** Letter to Mr T Henshilwood, Children's Inspector, Public Assistance Department of Glasgow Corporation, 266 George Street, Glasgow from JDM Robertson: "With reference to my letter of 9th ulto., I have now completed the visitation of your boarded-out children and [REDACTED] have to report as follows:-

[REDACTED] This girl is still at school and Sunday school and her guardian continues to put her [REDACTED] to learn music. She appears to be a well-behaved girl.

[REDACTED] On account of the amputation of his right hand, which took place on account of having is damaged in an Electric Mincing Machine in March 1932, he is still prevented from being able to support himself.

[REDACTED] formerly [REDACTED] Dounby has been employed as kitchen maid in the [REDACTED] Hotel, since 13th ulto, at a weekly wage of 10/- . I regret however to say that she has not [REDACTED] given up her old habits of keeping late hours and the Manageress to-day informed me that although she has had repeated warnings, these have not had the desired effect upon her. [REDACTED] I again warned her.

[REDACTED] This appears to be a clever girl. I often see her and she is always clean and tidy. She is kept regularly at school and Sunday school. The duties of all the guardians are satisfactorily performed. I enclose note of my outlays for hire of car etc."

[APG]

From archive records, the policy in Orkney appears to have been to only board out children resident in Orkney within the County¹². A very small number of children who were living outside of Orkney but with a settlement in the County (meaning that Orkney County Council had a duty to pay their Public Assistance) were boarded out there, if possible. If not, they were returned to Orkney for boarding out.

- d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?

Response

From the records, foster carers, termed "guardians" in the records, received a weekly allowance for each child (see response to question 5), the amount of which was paid by District and Town Councils after being set and agreed by Orkney County Council¹³.

In 1952 the question of providing boarded out children with pocket money was raised at a meeting of the Children's Committee¹⁴.

¹² CO6/26/2 - Public Assistance/Social Welfare Committee Letter Book 1930-1933: Letter to the Secretary, Department of Health for Scotland, from JDM Robertson, 22nd September 1931: "With reference to your memorandum dated 11th inst. I am enclosing herewith a list of all children boarded out by the Council:

List of Boarded -Out Children

<u>Name</u>	<u>Age</u>	<u>Address</u>	<u>Weekly Allowance</u>
	10		10/-
	1		7/-
	3		7/6
	2		7/6
	6		7/6
	3		4/-
	7		7/6
	1		7/6
	7		7/6
	4		7/6
	7		7/6
	12		7/6
	11		8/-
	7		7/6
	5		3/6
	12		7/-
	12		7/6
	10		7/6
	9		7/6
	8		7/6
	3		3/-
	10		6/-

[APG]

In 1953 discussions were held regarding maintenance and clothing allowances¹⁵.

Not known how foster carers were made aware of support, there are no records detailing these processes.

e) As per answer to question d above.

f) If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?

Response

From the records, for the period 1930 to 1975, it appears that financial support was provided through payments made by the Local Authority from their own funds. These took the form of regular weekly and annual payments towards the upkeep of the children, and an allowance for the guardians.

	5		7/6
	10		7/6
	11		5/-
	12		5/-
	1		5/-
	7		7/6
	6		5/-
	10		7/6

¹³ CO3/1/10 - Meeting of Orkney County Council Finance Committee, 4th May 1943: "The Committee were advised that the Public Assistance Sub-Committee of the County Council had recommended that the clothing allowance in respect of boarded out children should be increased from £5 per annum to £7/10- per annum. It was explained that there were some twelve such children and the Public Assistance Sub-Committee's recommendation was approved, the new allowance to be paid as from 16th May 1943."

¹⁴ CO3/1/14 - Meeting of Orkney County Council Children's Committee, 4th March 1952: "The question of paying pocket money to boarded-out children was left to the discretion of the Children's Officer. It was explained that a scale was laid down but that foster parents should be encouraged to give pocket money, and the Local Authority should take this into account when fixing the scale of payment."

¹⁵ CO3/1/14 - Meeting of Orkney County Council Children's Committee, 1st June 1953: "Maintenance Allowance: The Children's Officer reported that some foster parents stated that the weekly allowance of £1 was insufficient. After a very full discussion, the Committee recommended to the Finance Committee that this should be increased to 27/6d."

Clothing Allowance: In some cases the clothing allowance of £15 per annum was insufficient. The Children's Officer was to get more information and report to the next meeting of this Committee, and it was agreed that, if necessary, she could purchase the new clothing and footwear herself."

Guardians could also apply for an increase in payments through the County Council Committee¹⁶. Payments were also reviewed when there was a change of circumstances for the boarded out child¹⁷. Payments for one-off events could also be made after consideration by the Council Committee and agreement by the Finance Committee¹⁸.

From 1976 onwards, records show that payments have been made from the local authorities own funds. Payments were made according to the Convention of Scottish Local Authorities recommended allowance rate. Approval for increases in allowances required to be approved by the Policy Committee¹⁹. There is no record of the criteria applied, only that the payments were to be made to foster parents.

- g) How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers.

Response

Not known how foster carers were made aware of any financial support available to them, there are no records detailing this process. Current procedure is that foster carers are notified pre-approval of any financial matters and, post-approval, they are provided with a copy of the Foster Carer's Handbook, which details all the financial allowances and support available.

- h) What other sources of funding were available to foster carers in relation to the provision of care for children?

¹⁶ CO3/1/10 - Orkney County Council Public Assistance Sub-Committee, 3rd August 1937: ██████████ - That her guardian, Mrs. ██████████ asked for an increase in the allowance for board and guardianship. It was resolved to increase the allowance from 7/6 to 10/- per week as from 13/8/37."

CO3/1/14 - Orkney County Council Children's Committee, 4th March 1952: "The question of paying pocket money to boarded-out children was left to the discretion of the Children's Officer. It was explained that a scale was laid down but that foster parents should be encouraged to give pocket money, and the Local Authority should take this into account when fixing the scale of payment."

¹⁷ CO3/1/13 - Meeting of Orkney County Council Social Welfare Sub-committee, 3rd June 1947: "The Assistant Director reported in the cases of the following: ██████████ that he had commenced apprenticeship with ██████████ Millwright and Engineer, Kirkwall, on 19th April at a wage of 20s per week and that the allowance of 15s per week for board and guardianship had been discontinued from 8th May, pending the decision of the Committee. In view of the fact that boy had to purchase tools out of his wages and to the extra tear and wear on clothing, it was resolved to grant an allowance of 7s 6d per week from 9th May."

¹⁸ CO3/1/18 - Orkney County Council Children's Committee meeting, 7th February 1961: "The Clerk read to the meeting the Children's Officer's report on the various cases still in the Council's care. One had recently been discharged, leaving the number of children in care at six, and the Committee heard with satisfaction the individual reports on each child.

With regard to one girl who is due to leave school in April, the Committee agreed that the Council should bear the expense of her training in Homecraft at the Uplands Centre, Bridge of Allan. This, it was thought, would cost in the neighbourhood of £200."

CO3/1/21 - Orkney County Council Health Committee meeting, 7th June 1966: "The Committee agreed to make a contribution of £7 10s towards holiday expenses of a boarded-out girl who is going south with her foster parents next month."

CO3/1/21 - Orkney County Council Finance Committee meeting, 14th June 1966: "On the recommendation of the Children's Committee, a contribution of £7 10s towards the holiday expenses of a boarded-out girl was approved."

¹⁹ Social Work and Housing Committee Meeting, 16th January 1986.

The only recorded sources of funding are as details in responses 'a' to 'g'. Discretionary payment provision is detailed through all the records, it is not known what criteria was applied.

- i) Was the funding adequate to properly care for the children?

Response

As per the response to 'f', it would appear that where a foster carer felt that the funding was insufficient, they could apply to the County Council for an increase in payment. Foster carers could also apply for payments to cover changes in circumstances or specific expenses such as holidays or birthdays of foster children.

- j) If not, why not?

N/A

1.3 Legal Status

- (i) Local authority – PAST

- a) What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?

Response

See Appendix 1

- b) Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.

Response

See Appendix 1

- c) Did the Local Authority have a legal duty of care to each child within its care?

Response

Yes, see Appendix 1.

Present

- d) With reference to the present position, are the answers to any of the above questions different?
- e) If so, please give details.

Response

The legislative basis which imposed the legal duty of care on the local authority has changed. See Appendix 1.

(ii) Foster Carers

Past

- a) Did foster carers have a special legal, statutory or other status?
- b) If not, how did the local authority classify a foster carer?
- c) What was the legal basis which authorised, or enabled, a foster care to become responsible for caring for children?
- d) Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so please give details.
- e) Did the foster carer have a legal duty of care to each child in his or her care?

Response

For (a) to (e) above, see Appendix 1

Present

- f) With reference to the present position, are the answers to any of the above questions different?
- g) If so, please give details.

Response

N/A

1.4 Legal Responsibility

(i) Local Authority

Past

- a) Did the local authority have any legal responsibility for the children in its care?
- b) If so, what was the nature and extent of that legal responsibility?

[APG]

- c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?
- d) If so, what was the nature and extent of that responsibility?
- e) If the local authority had no legal responsibility for the children in its care, where or with whom did legal responsibility lie?

Response

For (a) to (e) above, see Appendix 1

Present

- f) With reference to the present position, are the answers to any of the above questions different?
- g) if so, please give details.

Response

N/A

- (ii) Foster Carers

Past

- a) Did the foster carers have any separate legal responsibility (separate from the local authority) for children in his or her care?
- b) If so, what was the nature of that responsibility?

Response

See Appendix 1

Present

- c) With reference to the present position, are the answers to either of the above questions different?
- d) If so, please give details.

Response

N/A

1.5 Ethos

Past

- a) What did the local authority see as its function, ethos and / or objective in terms of the foster care service it provided for children?

[APG]

Response

It is difficult to find a complete answer to this question within the archived records of the local authority. The records suggest that, following the reconstitution of the Council in 1930, the local authority initially saw its function as largely administrative; ensuring the efficient management of public finances through the office of the Inspector of Public Assistance. However, this did not mean that officials were striving to control costs, rather that the committee often discussed levels of financial support and the Inspector strove to ensure that no boarded-out child was receiving less than was considered sufficient²⁰. There is also evidence within the records that the continuing welfare of the children was an important objective of the Inspectors²¹. Within recent documents, this has not been stated in Policies.

Within the documents held on record until 2014, there is no record of the ethos, or objectives as there is no record of any Fostering Policy. The functions were to fulfil the local authority's legal responsibilities in respect of the relevant legislation. This is demonstrated by reports on how these functions are to be fulfilled.

- b) What did the local authority see as the foster carer's function, ethos and/ or objective in terms of the service that the foster care provided to the children placed with him or her?

Response

As per question (a). It is difficult to find a complete answer to this question within the archived records of the local authority. From the records, it seems that in the past some foster carers, or guardians,

²⁰ **CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933:** Letter to Miss Clouston, Inspector of Poor, Finstown, 15th September 1931: "With reference to our visit of 27th ulto to the guardian of the abovementioned child as I then informed you, I was instructed, at a meeting of the Public Assistance Committee held on 10th July, to see that there was uniformity in the rate of allowances which is being paid to the poor throughout the County. The alimentary rate of allowances, in the case of boarded-out children has been fixed at 7/6d per week, with an additional allowance of £5 per annum in respect of clothing. The allowance, viz:- 5/- per week, which has hitherto been paid on behalf of this child is, in my opinion, inadequate and requires to be increased to 7/6d per week, with £5 per annum for clothing. Kindly submit the matter to your Committee for approval. Allowances for clothing for school children fall to be defrayed by the Education Committee."

²¹ **CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933:** Letter to George Esson, Inspector of Poor, South Ronaldsay, 4th November 1931: "With reference to my letter of 28th ulto, I have had a call from the woman. She says that she finds that she is unable to pay a sufficient sum for the child's maintenance which I have no doubt is true. She ought not however have interfered with the child's guardian as the child was being well cared for. In the circumstances perhaps it will be better for you to take an application from the present guardian and have the case dealt with by your District Council. The allowance previously granted for the child was 7/6d per week, of which the mother contributed 2/6d. I think it might be better to fix the allowance at 5/- per week and allow the mother to pay her contribution direct to the guardian. This would save trouble."

CO6/26/2 Public Assistance/Social Welfare Committee Letter Book 1933-1935: Letter to Mrs [REDACTED] South Ronaldsay from J D M Robertson: "Dear Madam, Mrs [REDACTED] has written me stating that you refuse to let her have her child abovenamed. You must understand that a mother is entitled to the custody of her child and you should therefore give it to her in order to save further trouble. As she is to keep the child free of charge against the County no further allowance can be granted."

took in children as a source of income, and that Council officials were aware of that being the case²². Such a practice does not, of course, mean that the care provided by the carers was below the standard expected of them, and all guardians were subject to regular checks and inspections²³.

- c) Where there changes over time in terms of what the local authority saw as its function, ethos and/ or objective in terms of the foster care service it provided for children?

Response

As per the answer to question (a). Again, it is difficult to find a complete answer to this question within the archived records of the local authority. Local Authority minutes and other documents concentrate on procedural matters and don't stray into discussion of ethos. The Local Authority in Orkney, regarding fostering services, performed the functions that were laid out by national governing bodies and Acts of Parliament²⁴. Regular circulars were also received from the national body requiring

CO6/26/2 Public Assistance/Social Welfare Committee Letter Book 1933-1935: Letter Mr Maynard Esq., Director of Public Assistance, 266 George Street, Glasgow from John D M Robertson, 20th March 1934: "I have your letter of 17th inst. I do not consider that it is advisable to send this girl back to [REDACTED] [REDACTED] Dounby. During Mrs [REDACTED]'s lifetime I had repeats complaints from her that the child was keeping bad company and late hours – as late as 4 and 5 o'clock in [REDACTED] the morning. On one occasion in particular Mrs [REDACTED] mentioned that her husband went out to search for her and found her, at a late hour, lying behind a dyke with 2 men. She said that, although she had repeatedly warned her as to her conduct, all her warnings appeared to have no effect. The girl is undoubtedly better away from her old associates. Moreover I have repeatedly heard in the District that [REDACTED]'s conduct has not be of the best for many years. He is reputed dishonest by everyone I have spoken to his late wife bore a good character, but his domicile is regarded locally as a "bad nest". He had a son who suffered a term of 3 months imprisonment for theft of £20 from his employer. On account of this he is presently unemployed, receiving unemployment relief from this County and living in family [REDACTED] with his father."

²² . **CO6/26/3 - Public Assistance/Social Welfare Committee Letter Book 1935-1936:** Letter to Mrs. [REDACTED] [REDACTED] Sandwick, Orkney, 4th March 1935: "Mr. Scarth is very much annoyed that the children boarded out with you were removed without his knowledge. Dr. Bannerman promised to inform Mr. Scarth of the arrangement but forgot to do so. I mentioned the fact casually to Mr. Scarth the other day and I can assure you that he was

changes to the methods used during the carrying out of these functions, and the Committee discussed and responded to these recommendations²⁵.

d) If so, what were the changes and when and why did they come into effect?

Response

See response to 1.5 (c)

most concerned that your livelihood should be taken away, and that this arrangement was made without his knowledge. I trust that when you get settled in your new home you will again consider acting as a guardian.”

²³ **CO3/1/10 - Orkney County Council Public Assistance Sub-Committee meeting, 3rd May 1938:** “Mr. Learmonth and the Inspector were appointed to visit the children boarded out in the Mainland of Orkney.”

CO3/1/14 - Orkney County Council Children’s Committee meeting, 6th November 1951: “Appointment of members to visit Boarded-out Children. It was resolved to appoint Mr. J.K. Yorston and Provost Slater to visit the boarded-out children resident in Orkney.”

²⁴ **CO3/1/24 - General Meeting of Orkney County Council, 24/10/1972;** Appendix A – Statutory Committees: “The Social Work and Health Committee shall be constituted consisting of not more than 14 members of Council including the Convenor of the County and the Vice Convenor of the County. The Committee or any Sub Committee thereof may include additional persons specially qualified by reasons of experience or training in matters relating to the functions of the Committee notwithstanding that they are not members of the local authority, provided that at least two-thirds of the members of the Committee and a majority of members of any Sub Committee thereof shall be members of the authority.

All matters relating to the performance of the functions of a local authority under the following enactments:

- (a) The Social Work (Scotland) Act 1968
- (b) Part IV of the Children and Young Persons (Scotland) Act 1937
- (c) Sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958
- (d) Part 1 of the Children’s Act 1958
- (e) The Adoption Act 1958
- (f) Section 101(1) of the Housing Act 1964
- (g) The Nurseries and Child Minders Regulation Act 1948
- (h) The Mental Health (Scotland) Act 1960 (other than functions under Section 7 (1) thereof so far as relating to the ascertainment of mental deficiency and
- (i) Section 27 of the National Health Service (Scotland) Act 1947 (care or aftercare of persons who are or have been suffering from illness) other than functions relating to medical, dental or nursing care, or to health visiting

[APG]

- e) Were there changes overtime in terms of what the local authority saw as the foster carers function, ethos and/ or objective in terms of the service that the foster care provided to children placed with him or her?

Response:

It is difficult to find a complete answer to this question within the archived records of the local authority as no opinions of this type are recorded in Council minutes etc. It would appear from the archived records that Orkney County Council's view of the function of foster carers was generally influenced by the recommendations received from national bodies or legislation and so would have changed as national views of foster carers' functions and ethos changed²⁶.

shall stand referred to the Social Work and Health Committee and before exercising any of the said functions the authority shall unless the matter is urgent, consider a report of the Social Work and Health Committee with respect thereto."

²⁵ · **CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933**: Letter to George Esson Esq., Inspector of Poor, South Ronaldsay, 21st October 1931: "In terms of Circular No. 18 intimation on Form No. 77 must be sent to the Department of Health for Scotland in respect of all boarded-out children. I am enclosing forms for the following children boarded in your district, also a supply of blank forms for future use. Please have the forms completed and returned to me at your early convenience.

Yours faithfully, JDM Robertson

[APG]

Letters also sent

██████████, Westray
██████████ Sandwick
██████████ Orphir
██████████ Sanday
██████████ Holm

CO3/1/14 - Orkney County Council Social Welfare Sub Committee meeting, 2nd August 1949: "The Director submitted Circular No. 2183 from the Scottish Home Department dated 19th July 1949, regarding the provision of Homes for the accommodation of children whom it is not practicable or desirable for the time being to board out, and the Director pointed out that, in the past, the County Home had been used for this purpose but that, owing to lack of accommodation, the Home was not now available."

CO3/1/15 - Orkney County Council Children's Committee meeting, 2nd February 1954: "Selection of Foster Homes: "There was submitted to the meeting circular from the Scottish Home Department regarding the production of a leaflet for publication and circulation with a view to finding suitable foster homes for children within the County. The cost of the leaflet would be approximately 1d each, and it was agreed that one hundred should be ordered."

CO3/1/22 - Orkney County Council Health Committee meeting, 5th November 1968: "Social Work (Scotland) Act, 1968 - The Clerk submitted circular letter received from the Social Work Services Group, St. Andrew's House, Edinburgh, stating that the Secretary of State now wished local authorities to consider whether their Social Work functions could be more effectively discharged by combination with one or more neighbouring authorities. Mr H.W. Scarth felt that the Council should adhere to their previous policy with regard to this matter and press for one authority for the County of Orkney."

This was agreed and it was also decided to ask the Social Welfare Officer to prepare a report for the next meeting of the Committee so that the members might be advised of everything that was implied by the above Act."

CO3/1/24 - Orkney County Council Social Work Committee meeting, 4th April 1972: "Mr Marwick referred to the Circular dated 19th November 1971 which had been issued to the members on 21st January in which the Council were asked to forward to the Social Work Services Group their proposals for the next three year period and if possible for the next three year period after that. Mr MacKinnon was authorised to prepare a report on his proposals for the future development of Social Work services in Orkney, for submission to the Social Work Services Group."

²⁶ **CO3/1/13 - Orkney County Council Social Welfare Sub Committee meeting, 10th September 1948:** "The Director submitted Circular No. 6914 from the Scottish Home Department explaining the duties of local authorities under the Children's Act, 1948. The Director was instructed to insert in the local Press the "Notice to Foster-parents" contained in Appendix 1 of the Circular. (p4)."

From The Orcadian Newspaper:

"County Council of Orkney – Notice to Foster-Parents – Any person other than the parent, legal guardian, grandparent, brother or sister, uncle or aunt who has taken, or proposes to take over, for payment, whether or not for profit, the care of a child who is under school leaving age must give notice to Gordon D. Robertson, Children's Officer, 8 Broad Street, Kirkwall.

If one or both of the child's parents are dead, and a guardian's allowance or family allowance is payable by reason of the child's inclusion in the household, the child is held to be maintained for payment.

Where anyone other than a parent or legal guardian of the child takes any part in arrangements for placing a child without payment in the care and possession of a third person, who is not the parent or legal guardian, grandparent, brother, or sister, uncle or aunt of the child, he must give similar notice. (Note: It is illegal for any

[APG]

f) If so, what were the changes and when and why did they come into effect?

Response

See response to 1.5 (e)

Present

- g) With reference to the present position, are the answers to any of the above questions different?
- h) If so, please give details.

Response

See Appendix 1

1.6 Numbers

(i) Local Authority

Past

- a) How many children did the local authority accommodate at a time in foster care and how many placements?

Response

See answer to 1.2 (c) for an example of the numbers at any one time.

- b) how many foster carers were approved/ registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?

Response

As per answer above. The more recent archived records show there to be approximately 10 placements at any one time. This peaked to 16 in 2016 but, otherwise, this varies very little over the years.

person participating in arrangements of this kind to give or agree to give, or receive or agree to receive, any remuneration or reward).

In any of the above circumstances, if the child is under the age of 9 and notice has already been given in respect of that child, or if the child has been boarded out by the Ministry of Pensions, a local authority or a voluntary organisation, no further notice need be given.

Further particulars can be obtained on application to the above address. Any person neglecting to give the required notice is liable on conviction to a fine or imprisonment.

Kirkwall, 14th September 1948."

[APG]

- c) If foster carers were approved/ registered by the local authority as providing only specific types of care - eg respite care, short term foster care, long term foster care - please provide details of the categories and the number of placements in each.

Response

This information has not been consistently recorded in the files identified and searched. The majority of files which detailed the type of placement showed the approved placements are for Respite (46), Short Term (41) and Emergency (40). Approximately half as many placements were for Long Term (22) and less than 5 were for Mother and Baby or Intensive Fostering placements (a service available from 2014 onwards).

- d) Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?

Response

There does not appear to be significant changes in the numbers between the years.

- e) How many children in total were accommodated by the local authority (whether in foster care or otherwise)?

Response

Not known. The records of this information have not been found.

- f) In general terms, what is the main service provided by the local authority, the provision of residential care for children in establishments, or was it the provision of foster care?

Response

The main provision was for foster care placements.

Present

- g) With reference to the present position, are the answers to any of the above questions different?
h) If so, please give details.

Response

There are currently 9 children in foster care placements, 12 including Short Breaks.

1.7 Children's Background/Experience

Past

- a) Did the children placed in foster care generally have a shared background and/ or shared experiences?

Response

This information is not contained within the records.

- b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?

Response

The care of the local authority.

- c) Who placed children with the local authority?

Response

The Children and Families social worker, in consultation with their line manager.

- d) From 15 April 1971 the date on which the children's hearing system was introduced, did the local authority receive children mainly through the children's hearing system?

Response

To the knowledge of the writer, this information is not contained within the records.

- e) If not, generally how did children come to be admitted into the care of the local authority?

Response

To the knowledge of the writer, this information is not contained within the records.

- f) How long did children typically remain in the care of the local authority?

Response

To the knowledge of the writer, this information is not contained within the earlier records.

- g) In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?

Response

As per the answer to (c) above.

- h) If the decision was made by the local authority, what criteria was applied?

Response

Specific referral forms required to be completed, these contained sections on the assessments and criteria to be completed/met before .

- i) Were children moved between different foster care placements?
j) If so, in what circumstances?
k) Generally, did the children typically stay in one, or more than one, foster care placement?

[APG]

- l) What was the process for review of children's continued residence in foster care, in terms of whether they continue to require to be in (a) foster care and/ or (b) in that particular placement?
- m) When children left foster care, what was the process for discharge?

Response

Re (i) – (k) to the knowledge of the writer, this information is not contained within the records. (l) LAC reviews were carried out as per the legislative requirements. (m) see Appendix 1.

- n) What support was offered to children when they left foster care?

Response

The writer has only recovered one document, undated, which details the aims and objectives of the Orkney Adult Placement Service, for care experienced young people leaving their placements. This service was to support them in independent living. It outlines the provision of Pathway plans, to be completed in conjunction with the young person, their carers and their key professionals.

- o) What information was sought by the local authority about what children leaving foster care planned to go on to do?

Response

To the knowledge of the writer, this information is not contained within the records.

Was such information retained and updated?

Response

The lack of information in the files recovered suggests that this was not retained or updated.

- p) What was provided in terms of aftercare for young children/ young people once they left foster care?

Response

See answer to question (n) above.

Present

- q) With reference to the present position, are the answers to any of the above questions different?
- r) If so, please give details.

Response

See Appendix 1.

1.8 Local Authority Staff and foster carers

[APG]

(i) Local Authority

Past

- a) How many people were employed by the local authority who had some responsibility for foster care services for children?
- b) How many people were employed by the local authority at anyone time who had some responsibility for foster care services for children?
- c) What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.
- d) In relation to each role, what experience/ qualifications did such staff have?

Response

The information for (a) to (d) above was not contained in the records. For recent information, please see Appendix 1.

- e) When were fostering panels set up? What was the purpose and remit?

Response

Fostering panels were set up after the introduction of the Boarding-out and Fostering of Children (Scotland) Regulations 1985. They were to approve or refuse approval of foster carers based on the requirements and checks required for foster carers stated within the legislation.

- f) How were fostering panels constituted? What skills and experience were the members required to have?

Response

The earliest record of the constitution of the Fostering Panel is from 1986, requiring not less than 6 persons, each of whom shall be competent to assess whether any recommendations in terms of Regulation 18, is likely to promote the welfare of the child, and shall include at least one man and one woman.²⁷ The persons appointed were the Chief Administrative Medical Officer, the Director or Social Work, the depute Director of Social Work, a Clinical Nursing Officer, the Principal Educational Psychologist and another with no designation other than her name.

Present

- g) With reference to the present position, are the answers to any of the above questions different?
- h) If so, please give details.

Response

²⁷ Minute of Social Work and Housing Committee, 27th February 1986

Yes, we currently require the Fostering Panel membership to consist of an Independent Chair, Service Manager of Children and Families ex officio, principal educational psychologist, Adoptive parent representative, foster carer representative, 2 community representatives, voluntary organisation representative, 2 local authority Councillor representatives, qualified social workers independent of the local authority, medical adviser and legal adviser.

(ii) Foster Carers

Past

- a) How were foster carers identified and approved/ registered?
- b) What experience and/ or qualifications, if any, did a foster carer require to have?
- c) What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?
- d) What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?
- e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?
- f) To what extent, if any, were the checks referred to at paragraphs (c) to (e) above reviewed? If so, how frequently and what checks were done? If not why not?
- g) What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were is these repeated? If so, how frequently? If not, why not?
- h) Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why?
- i) Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?
- j) Were foster carers is required to provide any services for children in their care beyond accommodating them? If so, what were they?
- k) Did children work manually in the placement or externally (eg farming work or other labour), or both? If so, did that change at any point? If so, why?
- l) Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?

Present

- m) With reference to the present position, are the answers to any of the above questions different?
- n) If so, please give details.

Response

For answers (b) to (n) above, please see Appendix 1.

2. Organisational Structure and Oversight

2.1 Culture

Past

- a) What was the nature of the culture within the local authority in relation to the provision of foster care?

Response

Archived records of the local authority during the period 1930 to 1975 tend to record decisions made and confirm actions taken, and don't usually record the culture behind those decisions, so it is impossible to provide an opinion. To the knowledge of the writer, there is no evidence of an Fostering Policy within the records from 1976 to 2014.

- b) Was that culture reflected in the local authority's policies, procedures and/ or practise in relation to the provision of foster care?
c) How can that be demonstrated?
d) Did the provision of care by foster carers reflect the local authorities culture, policies and procedures?

Response

As per the requirements to visit and review the placement, this would appear to be the case. Please see Appendix 1 for details of the checks that were required.

- e) If not, please provide a representative range of examples and explain by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?
f) When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?

Response

The main changes appear only to have been brought about by the introduction of further legislation which required changes to practice.

- g) Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?

Response

There is no evidence of this contained within the records.

- h) Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?

Response

There is no evidence of this contained within the records.

- i) If so, when did they occur and how did they manifest themselves?
j) Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?

Response

There is no records of any external influences having been a factor.

Present

- k) With reference to the present position, are the answers to any of the above questions different?
l) If so, please give details.
m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/ or practises of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?

Response

There is no evidence of abuse, or alleged abuse, contributing to the current practice. The legislative requirements ensured that mechanisms must be in place to address any suggestion of abuse and that appears to have been fulfilled by the local authority in the application of the legislation.

2.2 Structure, Leadership and accountability

Past

- a) What was the structure of responsibility within the local authority in relation to foster care?
b) What were the oversight and supervision arrangements by senior management?
c) What were the lines of accountability?
d) Within the local authority, who had senior management/ corporate/ organisational responsibility for the managers/ management teams/ leadership teams who had responsibilities in relation to children in foster care?
e) Who, within the local authority, took decisions on matters of policy, procedure and/ or practice in relation to foster care?
f) To whom were foster carers accountable?
g) Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/ or practises in foster care both by local authority staff and by foster carers?
h) To whom were fostering panels accountable?
i) What were the oversight and supervision arrangements in respect of fostering panels?

Response

For answers to questions (a) to (i) above, please see Appendix 1. Re (h) Fostering Panels were accountable to the local authority, they required to make recommendations and present them to the a senior officer within the Department of Social Services²⁸.

Present

- j) With reference to the present position, are the answers to any of the above questions different?
- k) If so please give details.

Response

See response to 1.8 (i) (h).

2.3 External Oversight

²⁸ Minute of Social Work and Housing Committee, 30th October 1997.

Past

- a) What were the arrangements for external oversight of the local authority's foster care services?

Response

One of the first actions of the new County Council of Orkney, during its first meeting, was to appoint Divisional Inspectors of Public Assistance and Assistant Inspectors of Poor, who were appointed to perform duties throughout the Districts and Burghs of Orkney. Also appointed at the same meeting was John DM Robertson, as Inspector under the Children Act²⁹. The Inspector had oversight of services provided by the District and Burgh Inspectors³⁰ and there is evidence of external oversight being carried out by the Department of Health for Scotland³¹.

²⁹ **CO3/1/7A - Minutes of the First meeting of the County Council of the County of Orkney, under the Local Government (Scotland) Act 1929, 16th May 1930:** "In terms of Article 7 of the Scheme for the administration of Poor Law, it was resolved to appoint Divisional Inspectors of Public Assistance and Assistant Inspectors of Poor... It was further resolved to appoint the said John DM Robertson as Inspector under the Children Act at a salary of £5 per annum."

³⁰ **K1/1/20 - Minute of monthly meeting of the Provost, Magistrates and Councillors of the City and Royal Burgh of Kirkwall, 17th April 1930:** "The Town Council formed themselves into a Committee to deal with the powers delegated by the County Council of Orkney under the Local Government (Scotland) Act 1929.

It was agreed to intimate to the County Council that the Town Council was prepared to accept the delegation of Poor & Roads and that they are prepared to appoint Mr. John DM Robertson as Inspector of Poor etc."

S1/6 – Minute of meeting of the Provost, Magistrates and Councillors of the Burgh of Stromness, 2nd June 1930: "A letter of date 26th ulto. from the County Clerk intimating that the newly constituted County Council at their first Meeting appointed Mr. James F. Clark, Inspector of Poor for the Burgh at a salary of £75 per annum to cover travelling expenses, and enquiring whether this Council approves and agrees to the appointment. The appointment of Mr. Clark was unanimously agreed to."

CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933: Letter to George Esson, Inspector of Poor, South Ronaldsay, 17th February 1931: "I have your letter of 14th inst. along with accompanying letter from the abovenamed. This woman's child should be boarded out to enable her to get out to work as originally proposed. As you state she has the best right to look after and work for her own child. She should also contribute towards the child's maintenance out of her earnings.

Yours faithfully, JDM Robertson."

CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933: Letter to Dr. Petrie, John Street, Stromness, 4th May 1931: "I have your letter of 1st inst. You are not entitled to charge fees for visits to these children or others boarded out in the Parish of Firth. They are all chargeable to this County and come under the jurisdiction of one authority viz.- the Orkney County Council. It is quite different in similar cases chargeable to Other Counties. Of course you are entitled to charge for any medicines supplied.

Dr. Park informs me that [REDACTED] had whooping cough some considerable time ago and was quite free from infection some time before he was boarded out. His brother [REDACTED] has not had it.

Please forward any accounts you may have for medicines for the half-year to Miss Sinclair [District Inspector of Poor], Finstown as early as you can. They must be in my hands for submission to the Finance Committee of the County Council which falls to be held on Tuesday, 12th inst. so that they may be settled before the close of the financial year on 15th inst.

[APG]

Yours faithfully.”

³¹ **CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933:** Letter to the Department of Health for Scotland, 12th February 1931:

Return of Boarded-out Children at close of the year 1930.

- (1) Total number of children boarded out by the Authority - 24
- (2) Number of the above children boarded –
 - (a) with strangers – 7
 - (b) with relatives – 17
 - (c) in institutions (other than poorhouses) – 0
- (3) Counties or Burghs in which the above children (not in institutions) are resident –
County of Orkney - 24

CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933: Letter to The Secretary, Department of Health for Scotland, 22nd September 1931: “With reference to your memorandum dated 11th inst. I am enclosing herewith a list of all children boarded out by the Council.”

CO3/1/14 - Orkney County Council Business Committee meeting, 14th November 1950: “The Clerk intimated that a representative from the Scottish Home Department would be in Orkney this week to discuss the question of the proposed appointments of a Children’s Officer and a Part-time Probation Officer. This was noted.”

CO3/1/15 - Orkney County Council Children’s Committee meeting, 2nd February 1954: “Miss Dunnet’s report referred to the visit paid by Miss Morrison, the Inspector from the Scottish Home Department. Miss Morrison had expressed satisfaction with the types of foster homes which had been selected in this area and had commented on the number of cases which had been prevented from coming into care through the good work of the Children’s Officer. Miss Morrison had also drawn attention to the County Clerk that the Children’s Officer really required some clerical assistance, and in this connection stated that he had discussed the matter with the Medical Officer of Health, who was also requiring additional clerical assistance.”

CO3/1/20 - Orkney County Council Children’s Committee meeting, 3rd March 1964: “The Clerk read to the meeting the Children’s Officer’s report covering the months of January and February 1964. This showed that there were at the moment three children in care. All of these were girls: two were boarded out locally, and one was employed in Dunblane. Visits had been paid to all the children and their health and general living conditions had been found to be satisfactory.

The report also stated that Miss Maddock from the Scottish Home and Health Department had visited the County recently and she had inspected the foster home at Hatston and also the reception centre at Westlea, Glaitness Road.”

- b) Who visited the local authority's foster care services in unofficial or statutory capacity and for what purpose?
- c) How often did this occur?
- d) What did these visits involve in practice?

Response

For answers to (b) and (c), please see Appendix 1. There is no recorded information in relation to (d).

Present

- e) With reference to the present position, are the answers to any of the above questions different?
- f) If so, please give details.

Response

Please see Appendix 1 and answers to 1.8 (i) (h). We are currently required to have an independent chair, and we have an appeals procedure for an external panel.

PART B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- a) Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?

Response

Yes, there is recorded evidence that abuse, or allegations of abuse took place or were made.

- b) If so, what is the local authority's assessment of the extent and scale of such abuse?

Response

The assessment is that they were isolated incidents and were not indicative of any inherent or systemic practice within the foster care service provided by the local authority.

- c) What is the basis of that assessment?

Response

There are 11 allegations of abuse contained within the records, made against 7 foster carers. These were all single incidents except for 2 fostering families where there were multiple allegations, which have been detailed in Part D.

3.2 Acknowledgement of Systematic Failures

- a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?

Response

Yes, insofar as there is no system which could protect against every possible circumstance. However, there is no evidence of systematic abuse. There have been no convictions however, the local authority determined 4 foster carers to have abused a child within their care.

- b) What is the local authority's assessment of the extent of any such systemic failures in its response?

Response

That the extent was low for the reasons detailed above. The numbers do not suggest systemic failure.

[APG]

c) What is the basis of that assessment?

Response

As above. For the allegations against the 7 foster carers, they were reported to the police and 7 external investigations by both the police and social work took place. No recommendations were made. For those children whose claims were not substantiated, alternative placements were made available if they wished to be moved. We do not consider this to be a failure in response. Details of the findings are contained in Part D.

d) What is the local authority's explanation for any such failures?

N/A

3.3 Acknowledgement of Failures/Deficiencies in Response

a) Does the local authority accept that there were any failures and/ or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?

Response

On the whole, this is not substantiated by the records. However, in 1 file there is insufficient information recorded to be assured that the allegation was investigated properly.

- b) What is the local authority's assessment of the extent of any such failures in its response?
- c) What is the basis of that assessment?
- d) What is the local authority's explanation for any such failures/ deficiencies?

Response

(c) As per answer to (a)

(d) The record does not explain whether the investigation was concluded and, if not, why not.

3.4 Changes

a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgement in relation to 3.1 - 3.3 above?

Response

We continue to report every allegation of abuse to the police and conduct joint investigations between social work and the police. Even where there is no conviction, if the local authority suspects abuse to have taken place, the child is moved to another placement and we seek to deregister the foster carer. Any allegations are also reported to the Care Inspectorate within 24 hours.

PART C – PREVENTION AND IDENTIFICATION

4. Policy and Practice

4.1 National

Past

- a) What's the national policy/ guidance relevant to the provision of foster care for children?

Response

The records suggest that, during the period 1930 to 1975, any policy/guidance relevant to the provision of foster care or boarding out as it was known at that time, would have been communicated to the Local Authority by the national governing bodies at that time, and through attendance at regional and national meetings³².

³² **CO3/1/14 - Orkney County Council Business Committee meeting, 10th October 1950:** "The Clerk read to the meeting letter (1445) from the Scottish Home Department stating that the Secretary of State could not agree that the duties of Children's Officer should be carried out by an officer who is also engaged on work under the National Assistance Act, or on duties under the National Health Service Act, connected with lunacy and mental deficiency. After considering this position, it was agreed that the Clerk should communicate with the Home Department and ascertain if the Secretary of State would approve the appointment of Miss Isobel Dunnet, County Superintendent of Nursing, for the post. It was also agreed that the Clerk should consult Miss Dunnet regarding this matter on her return to duty so that it can be finally determined.

In connection with the establishment of a Children's Committee under Section 39 of the Childrens Act, 1948, it was agreed that the Clerk should make representations to the Scottish Home Department urging that the work can easily be carried out by the existing Health Committee and that there is no need to establish a separate Childrens Committee in view of the small number of children affected in Orkney."

CO3/1/21 - Orkney County Council Health Committee meeting, 6th December 1966: "The Clerk reported at length on the White paper which had been produced by the Scottish Home and Health Department and the Scottish Education department regarding social and welfare services. This White paper had followed the Kilbranden Report and it appeared that, notwithstanding what changes are made with regard to local government administration generally in Scotland, it was intended to set up one department which would encompass all social and welfare services. In each area a Director of Social Work would be appointed, this appointment being made by the Local Authority from a list of applicants previously approved by representatives of the Local Authority and the Secretary of State for Scotland. Such offices as Children's Officer and Probation Officer would disappear and it would be essential that a Director of Social Work and any assistants be trained persons in future.

Having heard the Clerk's report, the Committee unanimously agreed that steps should be taken as soon as possible to arrange for Mr. J.W. Mackay, Mr Tulloch's assistant, proceeding to a training course, probably in the autumn of 1967. This course might be of one year's duration. The Council would also require to appoint a younger assistant and, after Mr Mackay had been trained, this assistant would also require to undergo a course of training, probably for two years. The Clerk was instructed to communicate with the Scottish Home and Health Department regarding these proposals and to report back to the Committee.

b) If so, to what extent was the local authority aware of such?

Response

The archive records suggest that the local authority was aware of national policy and guidance through communications from the national governing bodies at that time, and through attendance at regional and national meetings³³.

It was also agreed to recommend that as from May 1967 the accounting work in the Welfare Department be transferred to the Treasurer's Department."

CO3/1/22 - Orkney County Council Health Committee meeting, 7th November 1967: "The Children's Officer was authorised to attend a conference of the Northern Group of the Scottish Children's Officer's Association to be held in Huntly on 18th and 19th November."

CO3/1/22 - Orkney County Council Health Committee meeting, 6th February 1968: "The Committee further agreed that Miss Dunnet should attend the 18th Annual Conference of the Scottish Children's Officer's Association in Rothesay from 3rd to 5th May 1968."

CO3/1/22 - Orkney County Council Health Committee meeting, 5th November 1968: "Social Work (Scotland) Act, 1968 - The Clerk submitted circular letter received from the Social Work Services Group, St. Andrew's House, Edinburgh, stating that the Secretary of State now wished local authorities to consider whether their Social Work functions could be more effectively discharged by combination with one or more neighbouring authorities. Mr H.W. Scarth felt that the Council should adhere to their previous policy with regard to this matter and press for one authority for the County of Orkney."

This was agreed and it was also decided to ask the Social Welfare Officer to prepare a report for the next meeting of the Committee so that the members might be advised of everything that was implied by the above Act."

[APG]

- c) If there was national policy/ guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?
 - i. Child welfare (physical and emotional)
 - ii. the Childs views
 - iii. reviewing a Childs continued residence in a foster care placement
 - iv. child protection
 - v. Discipline
 - vi. complaints handling
 - vii. whistle blowing
 - viii. record retention
 - ix. Recruitment and training of foster carers
 - x. requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority.
- d) If the local authority was aware of such, did they give effect to that policy/ guidance?
- e) If so, how was the effect given to such policy/ guidance?
- f) If not, why not?

Response

This information seems to have been reported through committee reports to the Social Work and Housing Committee and then implements through procedures.

Present

- g) With reference to the present position, are the answers to any of the above questions different?
- h) If so, please give details.

See Appendix 1.

CO3/1/23 - Orkney County Council Social Work Committee meeting, 5th February 1971: "The Director of Social Work was authorised to attend a conference of the [Social Work Liaison Committee] to be held in Aberdeen in the near future.

It was intimated that a conference would be held in Inverness on 13th March 1971 of all parties interested in regard to children in need of compulsory care. It was agreed that Orkney should be represented at this conference and that, if necessary, a plane be specially chartered for the occasion."

CO3/1/25 - Orkney County Council Social Work and Health Committee meeting, 5th June 1973: "The Committee authorised the Director of Social Work to attend the Regional Meeting of the Social Work Services Group to be held in Aberdeen on 15th June 1973."

CO3/1/25 - Orkney County Council Social Work and Health Committee meeting, 8th January 1974: "It was agreed that the Director of Social Work should attend a Regional Meeting of Directors of Social Work to be held in Inverness on 25th January 1974."

³³ Please see response to 4.1(a)

4.2 Local Authority

(i) Policy

Past

a) Was there local authority policy/ guidance in relation to the provision of foster care?

Response

The archive records for 1930 to 1975 suggest that there were local authority policies and guidance, and that they were discussed and agreed by Council Committee following recommendations received from the national bodies and reported by the Director of the local service.³⁴ From 1976 onwards there

³⁴ **CO3/1/13 - Orkney County Council Social Welfare Sub-Committee meeting, 7th January 1947:** "It was resolved to increase the allowances for boarded-out children from 12/6 to 15/- per week from 14th February 1947."

CO3/1/14 - Orkney County Council Children's Committee meeting, 4th March 1952: "In connection with the medical inspection of boarded out children, the Children's Officer enquired whether the children's own doctors should examine them, or whether the inspection should be carried out by the Medical Officer of Health. It was explained that each child should be examined at least once every six months, and it was agreed that the medical inspection should be carried out by the Medical Officer of Health."

The question of paying pocket money to boarded-out children was left to the discretion of the Children's Officer. It was explained that a scale was laid down but that foster parents should be encouraged to give pocket money, and the Local Authority should take this into account when fixing the scale of payment.

It was reported that the Scottish Home Department wished members of the Committee to visit the boarded-out children along with the Children's Officer periodically, and it was agreed that this should be done by the chairman, Mr. J.K. Yorston, and Provost Slater, Kirkwall."

CO3/1/15 - Orkney County Council Business Committee meeting, 14th April 1953: "Boarded-out Children: The Committee considered a suggestion from Mr P N Sutherland Graeme that the names and addresses of children boarded-out by the County Council are not published in the Council's minutes. Unanimously approved."

CO3/1/16 Orkney County Council Children's Committee meeting, 6th April 1956: "The Children's Officer recommended that the Committee should now consider the question of the provision of a Reception Home or Centre for deprived children. Each child who would come into the care of the Authority and who was likely to become a long term case would pass this Home and would there be assessed both mentally and physically before being placed in a foster home, residential home for pre-school children, a family home, a hostel, a home for maladjusted or mentally handicapped children, or an institution for children who may be certified as being mentally defective. The question of the staffing of such a home would have to be made very carefully."

After a general discussion it was agreed that the members should give consideration to this proposal and that it should be placed on the agenda of the next committee meeting."

[APG]

is no evidence of a Fostering Policy. Guidance and legislative updates were provided to the Social Work and Housing Committee.

CO3/1/17 - Orkney County Council Children's Committee meeting, 4th March 1958: "The members again considered the question of a possible provision of a home which might be staffed by a couple who would be willing to look after children in need of care for temporary periods until such time as they could be boarded out in suitable homes, or other arrangements made for their welfare. The question as to whether the house in Old Scapa Road, formerly occupied by the Chief Constable, would be suitable was mentioned, and it was agreed that, prior to the next meeting of the Committee, some of the members might inspect the house so that the question might be further considered."

CO3/1/19 - Orkney County Council Health Committee meeting, 3rd October 1961: "There was submitted a letter from Mr. John Robertson, County Surveyor, tenant of the Committee's property at Westlea, Glaitness Road. Mr. Robertson intimated that he intended to vacate the house as at November term and wished to be relieved of rent and rates as from that date... A further suggestion had been made, namely, that the house be retained by the Committee and used by the Children's Committee as a Home where children in need of care and protection could be accommodated until permanent arrangements for boarding them out could be put into operation. This would mean that the Council would have to secure the services of a satisfactory couple who would be allowed to occupy the house rent free and who would, in addition, be paid for the accommodation of children at the appropriate boarding-out rate when the house was used for this purpose.

After fully considering the whole matter, the committee agreed that the house should be retained for this purpose, and it was further decided that at the next meeting of the Committee the question of putting this into effect should be discussed."

CO3/1/22 - Orkney County Council Health Committee meeting, 6th May 1969: "The members were reminded that they had already recommended that, at the next full meeting of the County Council, a Social Works Committee should be established to undertake all the duties of the County Council under the Social Work (Scotland) Act, 1968.

Further consideration was given to this matter and it was agreed to recommend further to the Council that this Committee should consist of six Landward members, two from Kirkwall and one from Stromness. It was pointed out that, in terms of the Act, powers were given to increase this Committee by not more than one-third of its members by the appointment of ladies and gentlemen who are not County Councillors but who may have special interests in social work."

[APG]

- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Where were such policies and/ or procedures recorded?

Response

The minutes of Orkney County Council for 1930 to 1975 and 1976 to 2014, record discussions within Local Authority committees regarding the terms of policies and procedures relating to foster care, and the adoption of new policies. They do not provide evidence of any other location where such policies and procedures would have been recorded. There is no evidence of a Fostering Policy from 1976 to 2014.

- d) What did the policies and/ or procedures set out in terms of the following:
 - i. Child welfare (physical and emotional)
 - ii. the Child's views
 - iii. placement of siblings
 - iv. the placement of a child in foster care
 - v. the particular placement of a child with foster carers
 - vi. contact between a child in foster care with his or her family
 - vii. contact between a child in foster care and other siblings in foster care
 - viii. information sharing with the Child's family
 - ix. fostering panels (including constitution, remit, frequency and recordkeeping)
 - x. recruitment and training of foster carers
 - xi. requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority
 - xii. reviewing a Child's continued residence in foster care or in a particular foster care placement
 - xiii. visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
 - xiv. transfer of a child from one foster placement to another (including preparation and support)
 - xv. Transfer of a child between foster care and residential care (including preparation and support)
 - xvi. child protection
 - xvii. complaints handling
 - xviii. whistle blowing
 - xix. record retention
- e) Who compiled the policies and/ or procedures?
- f) When were such policies and/ or procedures put in place?

Response

The minutes of Orkney County Council for the period 1930 to 1975 and 1976 to 2014 record discussions about the adoption of guidance and procedures at different intervals throughout the period³⁵. There is no evidence of a Fostering Policy from 1976 to date.

³⁵ CO3/1/7A - Orkney County Council Administrative Schemes Committee meeting, 4th February 1930: "It was resolved to recommend that the whole members of the County Council be appointed to act as a Poor Law Committee and that so far as the North and South isles are concerned the administration of the Poor Law be

delegated to the respective District Councils with power to these Councils to appoint Committees, and that the District Councils shall report to the Poor Law Committee.

Mr. Manson moved that it be recommended that Poor Law administration throughout the Mainland be carried out by Sub-Committees appointed by the Poor Law Committee of the County Council for the Landward Districts of the Mainland, and that the administration of Poor Law in the Burghs be delegated to the respective Town Councils, which was seconded by Mr. Clouston and agreed to."

CO3/1/7A - Meeting of the Reconstituted County Council of Orkney, 18th February 1930: "There was then submitted to the Council a Draft Scheme for the Administration of Poor Law, prepared by the Administrative Schemes Committee and the Delegation Committee.

After consideration, the scheme was unanimously adopted by the Council, the Chairman and Provost Slater were authorised to sign it along with the Clerk, and the Clerk was instructed to forward it for approval to the Secretary of State for Scotland in terms of the Act."

CO3/1/7A - Meeting of the Reconstituted County Council of Orkney, 22nd April 1930: With regard to the Administrative Committee recommendation that the Council appoint a Chief Inspector of Public Assistance and a Chief Inspector of Poor, Mr. White moved that the recommendation of the Committee be adopted, which was seconded by Mr. Corrigan.

Bailie Moar moved that the recommendation be not adopted, which was seconded by Mr. Calder.

On the motions being put to the meeting, Mr. White's was carried by 15 votes to 10 and therefore became the finding of the meeting. The Clerk was instructed to amend the Poor Law Scheme giving effect to this finding.

In terms of the Poor Law Scheme it was unanimously resolved to appoint the whole members of Council to act as the Public Assistance Committee, Mrs. Learmonth to be Convenor."

CO3/1/7A - First meeting of Orkney County Council, 16th May 1930: "The Clerk submitted a letter (968) from the Scottish Office suggesting certain alterations on the following Schemes prepared by the Reconstituted County Council as the same are shown on the draft Schemes returned with that letter:-

1. Administrative Scheme relating to Education
2. Scheme relating to Public Health
3. Scheme for the administration of Poor Law
4. Scheme for the administration of Roads

After considering the proposed alterations suggested by the Scottish Office, it was resolved to agree to them, and the four schemes were adjusted and adopted accordingly, and the Clerk was instructed to have the various schemes printed as now adopted and copies thereof sent to the Scottish Office as requested."

"In terms of said article [article 17 of the Scheme for the administration of Poor Law] it was resolved to appoint Local Inspectors of Public Assistance as follows..."

CO3/1/7A - First meeting of Orkney County Council Public Assistance Committee, 17th June 1930: "In terms of Article 10 of the Scheme of administration of the Poor Law and Lunacy and Mental Deficiency it was resolved to appoint the following Sub Committees for the administration of the Poor Law within the Mainland District...any three members to form a quorum."

"It was resolved, subject to the terms and conditions set forth in said Scheme, to delegate to these three Sub-Committees within their respective districts:-

1. The duty of receiving, investigating and disposing of applications for indoor and outdoor relief other than medical appropriate to the means of each case.
2. In case of outdoor relief other than medical, the payment of alimony in accordance with such scale or scales and under such conditions and standards as may from time to time be fixed by the County Council and its periodical inspection of persons in receipt of such relief."

- g) Were such policies and/ or practices reviewed?
- h) If so, what was the reason for review?
- i) what substantive changes, if any, were made to the policies and/ or procedures over time?

Response

Over the period 1930 to 1975 the records show that many procedures were regularly reviewed. Some continued unchanged for many years, such as the appointment of the whole Council as a Poor Law Committee, others were updated on a regular basis, such as increases to the various allowances paid for boarded out children, while others were changed on a more irregular basis, often after receiving

CO3/1/7A - Orkney County Council Public Assistance Committee meeting, 18th July 1930: "It was agreed that the County Inspector of Public Assistance should pay the salaries of Divisional and Local Inspectors of Poor."

CO3/1/7A - Minutes of the Adjourned General Meeting of Orkney County Council, 25th November 1930: "The Clerk submitted letter (2300) from the Scottish Office returning the following Administrative Schemes showing a number of minor adjustments which still appear to be necessary :- Roads, Public Health, Poor Law, Education. It was unanimously resolved to agree to the amendments referred to, and the Clerk was instructed to have a few copies of each Scheme printed and sent to the Scottish office for final approval."

CO3/1/9 - Statutory Annual General Meeting of Orkney County Council, 18th December 1934: "The Clerk submitted a letter (2798) from the Department of Health for Scotland drawing the Council's attention to the fact that it was the only County in Scotland which has not yet adopted a Maternity and Child Welfare Scheme. The matter was remitted to the Business Committee for consideration and Report."

CO3/1/9 - Orkney County Council Business Committee meeting, 4th January 1935: "The Clerk read remit (para. 36) from Minutes of the General Meeting of the Council, held on 18th December, anent the adoption by the Council of a Maternity and Child Welfare Scheme. The Depute Clerk suggested that it should be remitted to a small Committee to draw up a Scheme and submit it to the Business Committee for approval. It was accordingly, decided to instruct Dr. Bannerman to prepare a Scheme suitable for the needs of the County and submit it to the following Committee for adjustment and to report, namely, William Manson, John White, and Robert Scarth, along with the Clerk and Depute Clerk."

CO3/1/11 - Statutory Annual General Meeting of the County Council of Orkney, 28th December 1943: "Baillie Slater as Chairman of the Public Assistance Sub-Committee moved that in common with other Local Authorities the County Council should substitute the terms "Social Welfare Committee", "Director of Social Welfare", and Social Welfare Officer" for "Public Assistance Committee", "Chief Public Assistance Officer" and "District Public Assistance Officer" respectively. This motion was agreed."

CO3/1/12 - Orkney County Council Social Welfare Sub-Committee meeting, 7th November 1944: "It was resolved to recommend to the Finance Committee that the allowances for boarded out children should be increased as undernoted from 24th November: board and lodgings from 10/- to 12/6d per week, clothing from £7 10/- to £10 per annum."

CO3/1/14 - Orkney County Council Children's Committee meeting, 4th March 1952: "In connection with the medical inspection of boarded out children, the Children's Officer enquired whether the children's own doctors should examine them, or whether the inspection should be carried out by the Medical Officer of Health. It was explained that each child should be examined at least once every six months, and it was agreed that the medical inspection should be carried out by the Medical Officer of Health."

advice from national bodies (See response to Question 4.2 (c)). This is repeated in the records held from 1976 to 2014.

- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Response

Changes were made according to developments in guidance or legislation. There are records of Social Work and Housing Committee meetings from 1976 to date, although the writer has no means of establishing if all records are held.

Present

- m) With reference to the present position, are the answers to any of the above questions different?
- n) If so, please give details.

Response

As per response to (l) above.

- (ii) Practice

Past

- a) Did the local authority adhere in practise to its policy/ procedures in relation to the provision of foster care?

Response

There is no evidence contained in the records to suggest otherwise.

- b) Did the local authority adhere in practice to its policy/ procedures on the following:
 - i. child welfare (physical and emotional)
 - ii. the Childs views
 - iii. placement of siblings
 - iv. the placement of a child in foster care
 - v. the particular placement of a child with foster carers
 - vi. contact between a child in foster care with his or her family
 - vii. contact between a child in foster care and other siblings in foster care
 - viii. information sharing with the Child's family
 - ix. fostering panels (including constitution, remit, frequency and recordkeeping)
 - x. recruitment and training of foster carers
 - xi. requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority
 - xii. reviewing a Childs continued residence in foster care or in a particular foster care placement
 - xiii. visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
 - xiv. transfer of a child from one foster placement to another (including preparation and support)

- xv. Transfer of a child between foster care and residential care (including preparation and support)
- xvi. child protection
- xvii. complaints handling
- xviii. whistle blowing
- xix. record retention

- c) How was such adherence demonstrated?
- d) How can such adherence be demonstrated to the inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?
- h) If policy/ procedure was not adhered to in practice, what was the practice?

Response

To the knowledge of the writer, this information is not contained within the earlier records.

Present

- i) With reference to the present position, are the answers to any of the above questions different?
- j) If so, please give details.

Response

This information would be contained on the current files.

4.3 Children

- (i) Policy

Past

- a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?
- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Were such policies and/ or procedures recorded?
- d) What did the policies and/ or procedures set out in terms of the following?
 - i. Safeguarding
 - ii. child protection
 - iii. medical care
 - iv. children's physical wellbeing
 - v. children's emotional and mental wellbeing
 - vi. schooling/ education
 - vii. discipline
 - viii. activities at Holidays for children
 - ix. sharing a bedroom
 - x. contact with family members
 - xi. contact with siblings

- xii. celebration of birthdays and other special occasions
- xiii. information sharing by the foster carer with family members
- e) Who compiled the policies and/ or procedures?
- f) When were policies and/ or procedures put in place?
- g) Were such policies and/ or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to the policies and/ or procedures over time?
- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Response

To the knowledge of the writer, this information is not contained within the earlier records. From 1976 to 2014 there is no evidence of a Fostering Policy.

Present

- m) With reference to the present position, are the answers to any of the above questions different?
- n) If so, please give details.

Response

See previous response to (l) above. Since 1985, there has been a requirement to enter into a fostering agreement. The records suggest this was practice within the local authority although not all files contain the agreements.

(ii) Practice

- a) Did the local authority adhere in practice to its policy/ procedures relating to the care of children in foster care?
- b) Did the local authority adhere in practice to its policy/ procedures in terms of the following?
 - i. Safeguarding
 - ii. child protection
 - iii. medical care
 - iv. children's physical wellbeing
 - v. children's emotional and mental wellbeing
 - vi. schooling/ education
 - vii. discipline
 - viii. activities and Holidays for children
 - ix. sharing a bedroom
 - x. contact with family members
 - xi. contact with siblings
 - xii. celebration of birthdays and other special occasions
 - xiii. information sharing by the foster carer with family members
- c) How is such adherence demonstrated?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?
- h) If policy/ procedure was not adhered to in practice, what was the practice?

Response

Yes, there is information relating to this on the foster children's files. The only way to demonstrate this would be to provide access to the files.

Present

- i) With reference to the present position, are the answers to any of the above questions different?
- j) If so, please give details.

Response

Yes, this information is contained within their files.

4.4 Foster Carers

- (i) Policy

Past

- a) What policies and/ or procedures did the local authority have in relation to foster carers?
- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Where were such policies and/ or procedures recorded?
- d) Who compiled the policies and/ or procedures?
- e) When were policies and/ or procedures put in place?
- f) were such policies and/or practices reviewed?
- g) If so, what was the reason for review?
- h) What substantive changes, if any, were made to the policies and/ or procedures overtime?
- i) Why were changes made?
- j) Were changes documented?
- k) Was there an audit trail?

Response

Other than reference contained in the responses in section 1. There are no records held of the actual policies and procedures. There has been no record found of a Fostering Policy. Some procedures are held on the file but, do not contain the information sought.

Present

[APG]

- l) With reference to the present position, are the answers to any of the above questions different?
- m) If so, please give details.

Response

As per previous response.

- (ii) Practice

Past

- a) Did the local authority adhere in practice to its policy/ procedures in relation to foster care?
- b) Did the local authority adhere in practice to its policy/ procedures in terms of the following?
 - i. Recruitment
 - ii. standard and size of accommodation
 - iii. number, age and gender of children accommodated/ in the household
 - iv. preapproval/ registration checks
 - v. references
 - vi. foster care agreements
 - vii. induction
 - viii. transfer of foster carers to or from other organisations or local authorities
 - ix. review/ supervision
 - x. training
 - xi. personal development
 - xii. disciplinary actions
 - xiii. removal of approval/ registration
- c) How was adherence demonstrated?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?

Response

To the knowledge of the writer, this information is not contained within the earlier records. There is no evidence to suggest otherwise. Some of the information is contained on files. It would not be possible to demonstrate this without allowing access to the files.

Present

- h) With reference to the present position, are the answers to any of the above questions different?
- i) If so, please give details.

Response

Yes. This can be demonstrated by producing copies of the relevant files

4.5 Other Members of the Foster Carer's Household

(i) Policy

Past

- a) What policies and/ or procedures did the local authority have in place in relation to other members of the foster carer's household?
- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Were such policies and or procedures recorded?
- d) Who compiled the policies and/ or procedures?
- e) When were the policies and/ or procedures put in place?
- f) Were such policies and/ or practices reviewed?
- g) If so, what was the reason for review?
- h) What substantive changes, if any, were made to the policies and/ or procedures overtime?
- i) Why were changes made?
- j) Were changes documented?
- k) Was there an audit trail?

Response

As per previous answers in this section and as per the legislative requirements set out in Appendix 1.

Present

- l) With reference to the present position, are the answers to any of the above questions different?
- m) If so, please give details.

Response

We follow the Coram BAAF assessment tool and the associated guidance and practice guidance provided by national bodies.

(ii) Practice

Past

- a) Did the local authority adhere in practise to its policy for research procedures in relation to other members of the foster carer's household?
- b) How was such adherence demonstrated?
- c) How can such adherence be demonstrated to the Inquiry?
- d) Were relevant records kept demonstrating adherence?
- e) Have such records been retained?
- f) If policy/procedure was not adhered to in practise, why not?

Response

To the knowledge of the writer, this information is not contained within the earlier records. This can be demonstrated in the later files containing assessments of foster carers.

Present

[APG]

- g) With reference to the present position, are the answers to any of the above questions different?
- h) If so, please give details.

Response

Yes, this is demonstrated within the current files.

4.6 Placement of children by the local authority with foster carers approved/ registered by other local authorities or organisations.

- (i) Policy

Past

- a) What policies and/ or procedures did the local authority have in place in relation to placement of children with foster carers approved/ registered by other local authorities or organisations?

Response

The archived records do not provide any evidence that would confirm, or otherwise, that such policies or procedures existed between 1930 and 1975. No policies/procedures were found in the records from 1976 to 2014.

- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Were such policies and or procedures recorded?
- d) Who compiled the policies and or procedures?
- e) When were the policies and or procedures put in place?
- f) Were such policies and/ or practices reviewed?
- g) if so, what was the reason for review?
- h) What substantive changes, if any, were made to the policies and/ or procedures overtime?
- i) Why were changes made?
- j) Were changes documented?
- k) Was there an audit trail?

Response

To the knowledge of the writer, this information is not contained within the earlier records.

Present

[APG]

- l) With reference to the present position, are the answers to any of the above questions different?
- m) If so, please give details.

Response

This is not a common occurrence in Orkney and, to the knowledge of the writer there is no local authority policy on placements out with Orkney. When we are required to place a foster child in a placement out with Orkney, we follow the legislative requirements and any policies which the other local authority area might have on receiving a foster child from out with their area.

(ii) Practice

Past

- a) Did the local authority adhere in practise to its policy/ procedures in relation to placement of children with foster carers approved/ registered by other local authorities or organisations?
- b) How was adherence demonstrated?
- c) How can such adherence be demonstrated to the Inquiry?
- d) Were relevant records kept demonstrating adherence?
- e) Have such records been retained?
- f) If policy/ procedure was not adhered to in practise, why not?

Response

See previous answer. To the knowledge of the writer, this information is not contained within the earlier records.

Present

- g) With reference to the present position at, are the answers to any of the above questions different?
- h) If so, please give details.

Response

As above, see 4.6 (i)

4.7 Complaints and Reporting

(i) Policy

Past

- a) What policies and/ or procedures did the local authority have in place in relation to complaints and reporting about foster care?

Response

The archived records do not provide any evidence that such policies existed between 1930 and 1975 or 1976 to 2014.

- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Where were such policies and/ or procedures recorded?
- d) What did the policies and/ or procedures set out on the following:
 - i. complaints by children
 - ii. complaints by foster carers
 - iii. complaints by family members of children
 - iv. complaints by third persons
 - v. whistle blowing
 - vi. support, including external support, for those who made the complaint or those who were the subject of complaint
 - vii. response to complaints (including response by the local authority)
 - viii. external reporting of complaints
- e) who compiled the policies and/ or procedures?

Response

The responses to previous questions provide evidence that policies and/or procedures were compiled by senior officials of the County Council, such as the Director of Social Work, Director of Public Assistance or Director of Social Welfare, and then scrutinised and approved by elected members of the relevant Committees before being agreed by full Council.

- f) When were the policies and/ or procedures put in place?
- g) Were such policies and/ or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to policies and/ or procedures over time?
- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Present

- m) With reference to the present position, are the answers to any of the above questions different?
- n) If so, please give details.

Response

The current complaints policy is the same as the local authority's standard complaints policy, a copy of which can be provided.

- (ii) Practice

Past

- a) Did the local authority adhere in practice to its policy/ procedures in relation to complaints and reporting about foster care?

- b) Did the local authority adhere in practice to its policy/ procedures on the following:
 - i. complaints by children
 - ii. complaints by staff
 - iii. complaints by family members of children
 - iv. complaints by third persons
 - v. whistleblowing
 - vi. support, including external support, for those who made the complaint or those who were the subject of complaint
 - vii. response to complaints (including response by the local authority)
 - viii. external reporting of complaints
- c) How was adherence demonstrated?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?

Response

As per answer above at 4.7 (i) (a)

Present

- h) With reference to the present position, are the answers to any of the above questions different?
- i) If so, please give details.

Response

As per answer at 4.7 (i) (n) and (m)

4.8 Internal Investigations

- (i) Policy

Past

- a) What policies and/ or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?

Response

The archive records do not provide any information about procedures in respect of internal investigations.

- b) Was there a particular policy and/ or procedural aim/ intention?
- c) Where were such policies and/ or procedures recorded?

[APG]

- d) What did the policies and/or procedures set out on the following:
 - i. approach to/ process of internal investigations
 - ii. identifying lessons/ changes following internal investigations
 - iii. implementation of lessons/ changes following internal investigations
 - iv. compliance
 - v. response (to child and abuser)
 - vi. response to complaints (including response by local authority)
 - vii. external reporting following internal investigations
- e) Who compiled the policies and/or procedures?
- f) When were the policies and/ or procedures put in place?
- g) Were such policies and/ or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to the policies and/ or procedures over time?
- j) Why were changes made?
- k) Were change is documented?
- l) Was there an audit trail?

Response

To the knowledge of the writer, this information is not contained within the earlier records.

Present

- m) With reference to the present position, are the answers to any of the above questions different? If so, please give details.

Response

As far as the writer is aware, there is no policy on this point. Internal investigations are conducted by the relevant social worker and reviewed as required. We follow the Orkney Interagency Child Protection Guidelines.

(ii) Practice

- a) Did the local authority adhere in practice to its policy/ procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?
- b) Did the local authority adhere in practice to its policy/ procedures on the following:
 - i. approach to/ process of internal investigations
 - ii. identifying lessons/ changes following internal investigations
 - iii. implementation of lessons/ changes following internal investigations
 - iv. compliance
 - v. response (to child and abuser)
 - vi. response to complaints (including response by local authority)
 - vii. external reporting following internal investigations
- c) How was adherence demonstrated?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?

Response

To the knowledge of the writer, this information is not contained within the earlier records.

Present

- h) With reference to the present position, are the answers to any of the above questions different?
- i) If so, please give details.

Response

As per answer at 4.8 (i) (m) above.

4.9 Record Keeping

- (i) Policy

Past

- a) What policies and/ or procedures did the local authority have on record keeping in relation to foster care?

Response

The archive records provide evidence that Orkney County Council officials followed procedures as required by the national body or by the local authority, and that the senior local service officer administered those regarding record keeping³⁶.

³⁶ **CO6/26/1 - Public Assistance/Social Welfare Committee Letter Book 1930-1933:** Letter to Mr. Hay, Sub-Inspector of Poor, Flotta, 29th January 1931: "The enclosed reached me this morning term. I enclose 4 Application Forms two of which you must fill up and return to me in a complete state, the other two regulars to be filled up and retained by you. Please keep them as clean as possible and they must not be torn. Please give the exact dates of birth, the date and hour of application, the names of parents, whether dead or alive and if alive their circumstances in each case. Under result of application – "Decision of Committee" give date of minute of admission to Roll. On the back of the form give particulars of all changes of circumstances since admission to roll of poor. Kindly give this your immediate attention and please explain why you have torn the forms which I herewith return. I am sending you per separate packet a supply of stationery. Yours faithfully, JDM Robertson."

CO6/26/2 Public Assistance/Social Welfare Committee Letter Book 1933-1935: Letter to D. Knight, Inspector of Poor, North Ronaldsay, 13th February 1934: "

CO6/26/10 - Public Assistance/Social Welfare Committee Letter Book 1948-1954: Letter to The Secretary, Scottish Home Department, 13 Carlton Terrace, Edinburgh, 26th May 1949: " [REDACTED] Boarded out child. Sir, I enclose herewith Form No. 77 in respect of the above-named. I am, Sir, your Obedient Servant."

- b) What policies and/ or procedures did the local authority have on record keeping by foster carers?

Response

The archive records do not provide any information about procedures in respect of record keeping by foster carers, 1930 – 2014.

- c) In relation to a) and b) above, was there a particular policy and/ or procedural aim/ intention? Where were such policies and/ or procedures recorded?
- d) What did the policies and/ or procedures set out in relation to recordkeeping on the following:
- i. children in foster care
 - ii. foster carers
 - iii. visits to children and foster carers
 - iv. complaints
 - v. investigations (both internal and external)
 - vi. discipline
 - vii. responding to requests from former children in foster care for information/ records
 - viii. other issues relevant to foster care
- e) Who compiled the policies and/ or procedures?
- f) When were the policies and/ or procedures put in place?
- g) Do such policies and/ or procedures remain in place?
- h) Were such policies and /or practises reviewed?
- i) If so, what was the reason for review?
- j) What substantive changes, if any, were made to the policies and/ or procedures overtime?
- k) Why were changes made?
- l) Were changes documented?
- m) Was there an audit trail?

Response

CO6/26/10 - Public Assistance/Social Welfare Committee Letter Book 1948-1954: letter to R.H. Robertson, Social Welfare Officer, Westray, 13th June 1949: "Dear Mr Robertson, I am unable to trace the voucher in respect of board & Guardianship of [REDACTED] for the period up to 4.7.48 and shall be obliged if you will endeavour to let me have this. Yours faithfully." I am returning herewith the form forwarded by you in respect of the abovenamed as several of the questions contained therein have not been answered. I have marked an X in pencil opposite these and have to make the following observations: -

1. What is the correct spelling of the applicant's surname? I note that on the form it is spelt in three different ways.
2. The parish of birth should be shown
3. The names of the parents must be given whether they are alive or dead.
4. It is important that the length of each place of residence of applicant for at least 4 years back shown be shown.
5. The "Visiting Report" must be signed by you.

Yours faithfully, JDM Robertson."

[APG]

As far as the writer is aware, there are no records of policies in relation to record keeping. Since 2013, a foster carer's handbook has been provided. Prior to that, we provided national guidance leaflets and handouts produced by the Fostering Network and other bodies.

Present

- n) With reference to the present position, are the answers to any of the above questions different?
- o) If so, please give details.

Response

An updated Foster Carer's Handbook has been provided.

- (ii) Practice

Past

- a) Did the local authority adhere in practise to its policy/ procedures in relation to record keeping?
- b) Did the local authority check adherence in practice to its policies and or procedures in relation to record keeping by foster carers?
- c) Did the local authority adhere in practice/ check adherence in practice to its policy/ procedures in relation to recordkeeping on the following:
 - i. children in foster care
 - ii. foster carers
 - iii. visits to children and foster carers
 - iv. complaints
 - v. investigations (both internal and external)
 - vi. discipline
 - vii. responding to requests from former children and foster care for information/ records
 - viii. other issues relevant to foster care
- d) how was adherence demonstrated?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/ procedure was not adhered to in practice, why not?
- h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?
- i) If so, when did the reviews take place, what documentation is available, and what were the findings?
- j) How have the outcomes of investigations been used to improve systems, learn lessons?
- k) What changes have been made?
- l) How are these monitored?
- m) Did the local authority afford former children in care access to records relating to their time in foster care?
- n) If so, how was this facillitated?
- o) If not, why not?

Response

To the knowledge of the writer, this information is not contained within the records.

Present

- p) With reference to the present position, are the answers to any of the above questions different?
- q) If so, please give details.
- r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:
 - i. children in foster care
 - ii. staff with responsibilities for foster care
 - iii. foster carers
 - iv. complaints
 - v. investigations (both internal and external)
 - vi. responding to requests from former children in foster care for information/ records.

Response

Files on children in foster care are now held for 100 years and stored securely. The file contains information relating to the child and any investigations. Foster carer files are held separately. The staff files in relation to those who are responsible for foster care are held only as long as the council is required to do so under legislation.